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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Ref.: 1579-823

Richard B. NAPPI et al

Group: 2874

Serial No. 10/706,269

Examiner: Unknown

Filed: November 13, 2003

For: OPTICAL FIBER ILLUMINATORS HAVING  
INTEGRAL DISTAL LIGHT DIFFUSERS  
ESPECIALLY USEFUL FOR OPHTHALMIC  
SURGICAL PROCEDURES, AND METHOD OF  
MAKING THE SAME

\* \* \* \* \*

May 13, 2004

Assistant Commissioner for Patents  
Washington, DC 20231

**SUBMISSION OF EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY ASSIGNEE  
UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

Sir:

Enclosed herewith is the Exclusive Substitute Power Of Attorney And Exclusive Prosecution Hereafter By Assignee Under 37 C.F.R. §§ 1.36, 3.71 and 3.73 for the above-identified application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

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OPHTHALMIC SURGICAL PROCEDURES, AND METHOD OF  
MAKING THE SAME

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

Duke University, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.


Duke University also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

**Certificate Under 37 C.F.R. §3.73(b)**

Duke University, a corporation having a place of business at 230 North Building, Research Drive, Durham, North Carolina 27708-0083 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached and/or recorded at the United States Patent Office on \_\_\_\_\_ at reel \_\_\_\_\_, frame \_\_\_\_\_.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of Duke University.

Duke University

_____ April      , 2004 Date	By: _____ 
	Name: Robert L. Taber Title: Vice Chancellor, Science and Technology Development

**ASSIGNMENT**

WHEREAS, **Richard B. NAPPI, Ronald F. OVERAKER, Cynthia A. TOTH, Brian C. DODGE, Hoang NGYUEN and Katrina P. WINTER**, (hereinafter ASSIGNORS) of 103 Wadsworth Building, Erwin Road, P.O. Box 3802, Durham, North Carolina 27710-3802; 2618 Pleasant Green Road, Durham, North Carolina 27705; 928 Pinehurst Drive, Chapel Hill, North Carolina 27514-3432; c/o P.O. Box 3802, Duke University Medical Center, Durham, North Carolina 27708; 107 Forrest Oaks Drive, Durham, North Carolina 27705 and 6472 Applewhite Road, Wendell, North Carolina 27591, respectively, have invented a certain improvement in

**OPTICAL FIBER ILLUMINATORS HAVING INTEGRAL DISTAL LIGHT DIFFUSERS  
ESPECIALLY USEFUL FOR OPHTHALMIC SURGICAL PROCEDURES, AND METHOD OF MAKING  
THE SAME**

for which a so-entitled application for Letters Patent of the United States is being concurrently executed herewith; was filed in the United States Patent and Trademark Office on November 13, 2003 under Serial No. UNASSIGNED (Attorney Docket No. 1579-823);

WHEREAS, **Duke University** (hereinafter ASSIGNEE), of Durham, North Carolina is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNORS by these presents hereby sell, assign, and transfer unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full and exclusive right to the said invention in the United States and all foreign countries, as described in the aforesaid application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and behoof of ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys, Nixon & Vanderhye P.C., have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

And, ASSIGNORS hereby agree to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in and to any improvements, and applications for patents based thereon, growing out of or related to the said invention; and to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE'S full protection and title in and to the invention hereby transferred.

Agreeing, further, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE, for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

The undersigned hereby authorize(s) and request(s) Nixon & Vanderhye P.C. to insert hereon any further identification necessary or desirable for recordation of this document.

AGREED and executed as noted below:

12/03/03  
Date

Richard B. Nappi  
Richard B. NAPPI

Witnessed by:

Name: Ausan Brooks

Date: 12/3/03

12.01.03  
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Ronald F. Overaker  
Ronald F. OVERAKER

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Name: Shirley Lloyd

Date: 12-01-03

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Date: 12-2-03